IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12313 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SALIM ALIAS RAJA FAKIR MOHMMAD SHEIKH (SINDHI)

Versus

COMMISSIONER OF POLICE FOR CITY OF VADODARA

Appearance:

MS BANNA S DATA for Petitioner

MR SAMIR DAVE, APP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/01/2001

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. Reply to the special civil applicaiton has not been filed by respondents despite of service of notice of Rule. The averments made by petitioner that the copy of

statement recorded of the witness in the criminal complaint, under section 161 of the Criminal Procedure Code has not been supplied to the petitioner remains uncontroverted.

#. The learned counsel for the petitioner contended that this matter is squarely covered by two decisions of this court, namely, in the case of Sona @ Sonu Kengdo Laxmandas Sindhi v. State of Gujarat & ors. rendered on 13.10.2000 in Special Civil Application No.8906 of 2000 (Coram: A.L.Dave, J.) and of this court dated 11.1.2001 in the case of Kamlesh G Chavla Sindhi v. State of Gujarat & Ors. rendered in Special Civil Application No.10364/2000. The learned counsel for the respondents has failed to satisfy how this matter is not covered by those two decisions.

#. In the result, this special civil application succeeds and the same is allowed and the detention order dated 18th September, 2000 (Annexure-A) is quashed and set aside. The detenue shall be set free forthwith if he is not required in any other case. Rule is made absolute accordingly. No order as to costs.

(S.K.Keshote, J.)

(sunil)